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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,692	03/17/2004	Nobuo Komeyama	K06-167789M/TBS	1886
21254	7590	01/24/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,692

Applicant(s)

KOMEYAMA ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Newly submitted claims 10-14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly submitted claims 10-14 fail to read on the species originally claimed, a cross shaft joint comprising a bar shape balance weight and plug inserted in a radially directed screw hole. Instead, newly submitted claims 10-14 read on alternate (and previously unclaimed) species described at page 9 line 8 through page 10, line 1.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

3. Claims 1, 2, 4 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuda et al, US 4,090,796 (Okuda).
 - a. Claims 1 & 2. Okuda discloses a cross shaft joint comprising: a cross shaft which includes four shaft portions and is arranged between two shaft members (see “universal joints of the trunnion type” in col. 1, lines 8 & 9); outer ring cups 1 rotatably provided to the four shaft portions, respectively the outer cups being adapted to be coupled to

corresponding shaft members 3; and an attachment portion 2 to which a balance weight for balancing the outer ring cups can be attached is formed on the ring cup. Fig. 3 shows the attachment portion includes (i.e. is provided with) an element 5 with an attachment hole 7 having a substantially constant inside diameter in which a bar-shaped balance weight can be inserted.

b. Claims 1 & 4. Okuda discloses a cross shaft joint comprising: a cross shaft which includes four shaft portions and is arranged between two shaft members (see “universal joints of the trunnion type” in col. 1, lines 8 & 9); outer ring cups 1 rotatably provided to the four shaft portions, respectively the outer cups being adapted to be coupled to corresponding shaft members 3; and an attachment portion 2 to which a balance weight for balancing the outer ring cups can be attached is formed on the ring cup. Fig. 3 shows a balance weight 5 attached to the attachment portion 2.

c. Claim 15. Okuda discloses a cross shaft joint comprising: a cross shaft which includes four shaft portions (see “universal joints of the trunnion type” in col. 1, lines 8 & 9); outer ring cups 1 rotatably provided to the four shaft portions; and a balance weight 5 received by at least one of the outer ring cups.

4. Claims 1, 2, 4-9 & 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Komeyama, US 4,893,962. Fig. 3 shows a cross shaft 31 including four shafts 32; an outer ring cup 36 rotatable on each of the four shafts; and balance weight/plug 37 received in a threaded attachment hole having a substantially constant inside diameter in one of the outer ring cups.

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Fig. 3 shows the attachment hole extends from the inner end surface of the weight 37 into the outer ring cup 36r

Allowable Subject Matter

5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed December 1, 2005 have been fully considered but they are not persuasive.

a. Applicant argues that Okuda fails to show the claimed invention because it fails to show an attachment portion that is (1) formed on one of the outer ring cups and (2) is capable of having a balance weight attached to it. However, Okuda shows the attachment portion 2 which is both formed on one of the outer ring cups and capable of having a balance weight attached to it.

b. Applicant argues "the examiner appears to allege that the wedge 5 corresponds to the claimed attachment portion". The basis for said argument is unclear, and thus unpersuasive. The attachment portion 2, not the wedge 5, is clearly identified in the rejection as the attachment portion.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Greg Binda', with a stylized flourish at the end.

Greg Binda
Primary Examiner
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